

Sixth Appellate District

San Jose, California

MONDAY, AUGUST 9, 2004

(No minute approved orders)

TUESDAY, AUGUST 10, 2004

H026222 PEOPLE v. LEANNA W.

By the Court\*:

Respondent's petition for rehearing is denied.

Filed: August 10, 2004

\*Before Rushing, P.J., Premo, J. and Elia, J.

H025605 GN HELLO DIRECT, INC. v. PLANTRONICS, INC.

We deem the judgment in this case to be the amended judgment, which was submitted to this court in January 2004 and filed in the superior court in March 2004. That judgment shall be entered, nunc pro tunc, as of November 15, 2002. As so entered, the judgment is affirmed. Therefore, as set forth therein, Plantronics shall recover from GN/HDI the net amount of \$852,748, plus prejudgment interest on that amount from March 15, 2001 to November 15, 2002. Plantronics also shall be entitled to postjudgment interest from and after November 15, 2002, as previously ordered by the trial court. We affirm the supplemental judgment filed in March 2003, which awarded Plantronics its attorney fees and costs. Plantronics shall recover its costs on appeal. (not published)  
(McAdams, J.; We concur: Rushing, P.J., Premo, J.)  
Filed August 10, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Mihara, J.; McAdams, J.; and R. W. Norvelle, Deputy Clerk.

H025957 KEPHART v. FLEXTRONICS INTERNATIONAL, LTD., et al.

Cause called and argued by Jessica Santamaria appearing for Appellant and by Sallie Kim appearing for Respondents. Cause ordered submitted.

Rushing P.J. steps down and Bamattre, J. takes the bench.

H026444 BEUSE v. UNEMPLOYMENT INSURANCE APPEALS BOARD, et al.; HAAS

Cause called and argued by Clifford M. Govaerts appearing for Appellant and by Susan M. Carson, Deputy Attorney General, appearing for Respondent. No appearance is made on behalf of Respondent Haas. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, August 10, 2004 (continued)

H026468 Marriage of DIER

Cause called and argued by Patrick E. Standifer appearing for Appellant and by Mary K. Simpson appearing for Respondent. Cause ordered submitted.

H025929 BRANSTETTER, et al. v. TSE, et al.

Cause called and argued by John D. Barry appearing for Appellants and by Thomas B. Kidwell appearing for Respondents. Cause ordered submitted.

MacAdams, J. steps down and Walsh, J.\* takes the bench.  
(\*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026412 FIDELITY EXPRESS NETWORK, INC. V, MOBILE INFORMATION SYSTEMS, INC.; CIT FINANCIAL USA, INC. v. FIDELITY NATIONAL TITLE COMPANY, INC.

Cause called and argued by D. Ronald Ryland appearing for Appellant CIT Financial USA, Inc. and by Susan J. Williams appearing for Respondents. Cause ordered submitted. Court recesses until 1:30 pm.

H026736 PEOPLE v. THOMAS S.

The order of the juvenile court is affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Elia, J.)  
Filed August 10, 2004

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.

Present: Rushing, P.J.; Premo, J.; Walsh, J.\*; and J. Michel Casique, Deputy Clerk.

(\*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026961 PEOPLE v. ERNESTO H.

Cause called and argued by Michael Kresser appearing for Appellant and by Michael Banister, Deputy Attorney General, appearing for Respondent. The Court orders both parties to submit a letter brief regarding issues of independence review. Appellant's letter brief is due on August 20, 2004 and Respondent's letter brief is due September 1, 2004. Cause will be submitted upon completion of supplemental briefing.

Sixth Appellate District

San Jose, California

Tuesday, August 10, 2004 (continued)

H026672 PEOPLE v. SIMMONS

Cause called and argued by Kenneth Ray Carver appearing for Appellant and by Rafael Angel Sivilla, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025751 PEOPLE v. COSTELLA

Cause called and argued by Peter F. Goldscheider appearing for Appellant and by Jill M. Thayer, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026413 CATLIN v. STEEL

Cause called and argued by Kelly Moore appearing for Appellant and by Heidi Anne Trant appearing for Respondent. Cause ordered submitted. Court adjourns.

WEDNESDAY, AUGUST 11, 2004

H026558 PEOPLE v. TARPLEY

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)  
Filed August 11, 2004

H026592 PEOPLE v. URIBE

By the Court\*:

Appellant's petition for rehearing is granted for the limited purpose of allowing the parties to file supplemental briefs on the issue of *Blakely v. Washington*.

Appellant may file a supplemental brief within 15 days from the date of this order. Respondent may file a responsive brief within 10 days thereafter and appellant may file a reply supplemental brief 5 days after any responsive brief is filed.

The matter will be resubmitted upon completion of supplemental briefing.

Filed: August 11, 2004

\*Before Elia, J., Rushing, P.J. and Premo, J.

Sixth Appellate District

San Jose, California

Wednesday, August 11, 2004 (continued)

H025590 PEOPLE v. PINTO

By the Court\*:

Appellant's petition for rehearing is granted for the limited purpose of allowing the parties to file supplemental briefs on the issue of *Blakely v. Washington*.

Appellant may file a supplemental brief within 15 days from the date of this order. Respondent may file a responsive brief within 10 days thereafter and appellant may file a reply supplemental brief 5 days after any responsive brief is filed.

The matter will be resubmitted upon completion of supplemental briefing.

Filed: August 11, 2004

\*Before Elia, J., Rushing, P.J. and Premo, J.

THURSDAY, AUGUST 12, 2004

H025956 PEOPLE v. MARTINEZ

The order granting defendant additional sentence credits is reversed. The judgment of conviction is affirmed as originally imposed, with the sentence credit limitation applied to all counts. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed August 12, 2004

H026057 CHAO v. MUELLER

We affirm the trial court's order, entered May 23, 2003, which denied Mueller's motion to disqualify Chao's counsel. Chao shall recover her costs on appeal. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed August 12, 2004

H027149 In re AUDREY M.; DFCS v. LORI R.

The order appealed from is affirmed. (not published)

(Walsh, J.\*; We concur: Rushing, P.J., Premo, J.)

(Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

Filed August 12, 2004

Sixth Appellate District

San Jose, California

FRIDAY, AUGUST 13, 2004

H027121 PAU v. SUPERIOR COURT; PEOPLE

Let a writ of mandate issue ordering respondent court to hear and determine Pau's habeas petition and provide other relief as appropriate. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed August 13, 2004

H026623 PEOPLE v. LUIS C.

The orders appealed from are affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Mihara, J.)

Filed August 13, 2004

H026118 CISMONDI, JR. v. CITY OF SAN JOSE

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed August 13, 2004

H026392 In re SADEGHY on Habeas Corpus

The trial court's August 21, 2003 order directing the Board to vacate its decision denying parole and to hold a new parole hearing is reversed. The trial court is directed to enter a new order denying the petition. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed August 13, 2004